



Background

In November 2012, Washington voters approved Initiative 502 legalizing the possession of small amounts of marijuana and marijuana-related products for persons age 21 and older. In response to the passage of I-502, the Bellevue City Council approved Emergency Ordinance 6133 B-1 on October 21, 2013, regulating where recreational marijuana retailers, producers, and processors may operate in Bellevue and imposing performance standards. The ordinance prevents new uses that are incompatible with nearby existing land uses and lead to erosion of community character and harmony. The ordinance limits marijuana production and processing to areas zoned for light industrial uses and restricts the locations of retail outlets. The ordinance also requires security, ventilation, and separation requirements beyond those in the Washington State Liquor Control Board rules for recreational marijuana (Chapter 314-55 *Washington Administrative Code* [WAC]). Under the ordinance, growing marijuana outdoors is prohibited.

The ordinance is effective for up to six months while the city drafts, considers, holds hearings regarding, and adopts permanent zoning regulations. **On March 17, 2014, the City Council extended Ordinance 6133 B-1 for six months by adopting Ordinance 6156. This ordinance contains a new provision affecting retail marijuana outlets: "No marijuana retailer shall be located within 1,000 feet of any other marijuana retailer."**

Where may marijuana retail outlets be located?

State-licensed marijuana retail outlets are classified as miscellaneous retail trade and allowed in the following land use districts: General Commercial (GC), Community Business (CB), Factoria Land Use District 1 (F1), Downtown Office District (DNTN O-1), Downtown Office District (DNTN O-2), Downtown Mixed Use District (DNTN-MU), Downtown Old Bellevue District (DNTN-OB), Downtown Office and Limited Business District (DNTN-OLB), Bel-Red Office Residential and Nodes (BR-OR/OR1/OR2), Bel-Red Residential Commercial and Nodes (BR-RC-1, RC-2, RC-3), Bel-Red General Commercial (BR-GC), Bel-Red Commercial Residential (BR-CR), and Bel-Red Office Residential Transition (BR-ORT).

State-licensed retail marijuana outlets may not be a subordinate use to another business.

Where may marijuana producers, processors, and retailers be located?

State-licensed recreational marijuana producers are classified as Agriculture: production of food and fiber uses. State-licensed marijuana processors are classified as Agricultural processing. Both uses are allowed only in the Light Industrial land use district.

What other regulations apply?

In addition to state and federal restrictions, applicants for a recreational marijuana business in Bellevue must meet the provisions of Ordinances 6133 B-1 and 6156 and any general

requirements for the use category, including any footnotes applicable to the use. Additionally, if the location is in an Overlay District, such as Bel-Red or the Downtown, the provisions of those districts will also apply. Compliance with the city's Sign Code (Chapter 22B.10 BCC) is also required. Depending on the scope of your project, you may be required to comply with other provisions of the City Code, including but not limited to other provisions of the *Land Use Code* (Title 20), the city's *Environmental Procedures Code* (SEPA) (Chapter 22.02 BCC), and the city's *Construction Codes* (Title 23).

What other requirements of Ordinances 6133 B-1 and 6156 apply?

- Recreational marijuana uses are prohibited in residential land use districts (R1 – R30).
- Recreational marijuana uses must meet state separation requirements and not be located within 1,000 feet of a medical cannabis collective garden.
- A marijuana retailer cannot be located within 1,000 feet of any other marijuana retailer.
- A screened and secured loading dock, approved by the director of Development Services, is required for state-licensed recreational marijuana producers and processors.
- During non-business hours, all retailers, producers, and processors must store all useable marijuana, marijuana-infused product, and cash in a safe or substantially constructed and locked cabinet that is incorporated into the building structure or attached to it.
- Marijuana products that must be kept refrigerated or frozen must be stored in a locked refrigerator or freezer affixed to the building structure.
- Chapter 314-55 WAC applies in addition to the provisions of Ordinance 6133 B-1.

What permits are required?

A building permit will be required for your tenant improvements.

Where can I get more Information?

- Contact the Land Use Desk in the Development Services Center, 425-452-4188 or www.LandUseReview@bellevuewa.gov.
- See Ordinance No. 6133 B-1, Ordinance No. 6156, and Chapter 314-55 WAC.
- Contact Legal Planner Catherine Drews in the Development Services Department at 425-452-6135 or cdrews@bellevuewa.gov.

This document is intended to provide guidance in applying certain *Land Use Code* regulations and is for informational use only. It cannot be used as a substitute for the *Land Use Code* or for other city codes. Additional information is available from Development Services at Bellevue City Hall. For land use regulations that may apply to your project, contact the Land Use Desk in the Development Services Center. Phone: 425-452-4188. E-mail: LandUseReview@bellevuewa.gov. Assistance for the hearing impaired: dial 711.